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**CITY OF CLAYTON BOARD OF ALDERMEN**  
**EXECUTIVE SESSION**  
**TUESDAY, APRIL 25, 2017 – 6:15 P.M.**  
**CITY HALL**  
**10 N. BEMISTON AVENUE**

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**CITY OF CLAYTON BOARD OF ALDERMEN AGENDA**  
**TUESDAY, APRIL 25, 2017 – 7:00 P.M.**  
**COUNCIL CHAMBERS - 10 N. BEMISTON AVENUE**

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**FIRST MEETING**

**ROLL CALL**

**MINUTES – April 18, 2017**

**PUBLIC REQUESTS & PETITIONS**

**PROCLAMATIONS**

1. Local Government Week – April 30 – May 6, 2017
2. Municipal Clerks' Week - May 7 - May 13, 2017

**PUBLIC HEARING**

1. Resolution – To approve a Conditional Use Permit for Clementine's Creamery located at 730 DeMun Avenue. (Res. No. 17-06)
  - To consider an application submitted by Tamara Keefe, for the operation of an ice cream parlor.
2. To approve a Conditional Use Permit for TruFusion located at 7447 Forsyth Boulevard. (Res. No. 17-07)
  - To consider an application submitted by Joe Goldberg, for the operation of a health club/fitness center.

**REPORT FROM THE CITY MANAGER**

1. Motion – To accept the FY2016 Comprehensive Annual Financial Report (CAFR).
  - RubinBrown LLC, will present a report to the Board on the summary audit information.
2. Motion – Certification of the April 4, 2017 Election Results.

**ADJOURN SINE DIE**

**SECOND MEETING**

**SWEARING IN OF ALDERMEN**

**ROLL CALL**

**PUBLIC REQUESTS AND PETITIONS**

**REPORT FROM THE CITY MANAGER**

1. Motion - To Elect Mayor Pro Tempore

**ADJOURNMENT**

Subject to a motion duly made in open session and a roll call vote pursuant to Section 610.022 the Board of Aldermen may also hold a closed meeting, with a closed vote and record for one or more of the reasons as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, negotiation of a contract pursuant to Section 610.021(12) RSMO., proprietary information pursuant to Section 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO.

## THE CITY OF CLAYTON

Board of Aldermen  
City Hall – 10 N. Bemiston Avenue  
April 18, 2017  
7:00 p.m.

### Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Cynthia Garnholz, Mark Winings, Joanne BoultonRich Lintz, and Ira Berkowitz.

Mayor Sanger  
City Manager Owens

Absent: Alex Berger (*arrived at 9:19 p.m.*)

**Alderman Boulton moved to approve the April 4, 2017. Alderman Winings seconded.**

**The motion to approve the minutes passed unanimously on a voice vote.**

### PUBLIC REQUESTS AND PETITIONS

None

### BRENTWOOD BOULEVARD RESURFACING PROJECT (STP-5500(682))-DESIGN DECISION

City Manager Owens reported that at the Board of Alderman Work Session on December 16, 2016, staff presented a concept plan for the federally funded Brentwood Boulevard Resurfacing Project along with public feedback received at the project open house on December 7, 2016. At that work session it was requested that staff evaluate options for bicycle facilities along Brentwood, their potential impacts, and related costs. After that meeting, additional feedback was received related to the medians shown on the plan, particularly north of Forest Park Parkway.

At the March 14, 2017 Discussion Session, the design team presented four new options for bike facilities along Brentwood Boulevard and modifications to the proposed median to address public comments. The Board decided to eliminate two of the options from further consideration. Since that meeting the Mayor suggested the possibility of removing one northbound lane between I-170 and the northern intersection of Corporate Park Drive and shifting the remaining lanes to the east to allow for bike lanes. Because the roadway is narrow between Davis and Orlando, the remaining lanes would have to be reduced to less than 9.5 feet wide to accommodate two five- foot bike lanes. These narrow lane widths would not likely be approved by FHWA/MoDOT.

Members of the City's design team will be present along with staff to discuss options for Brentwood Boulevard.

Recommendation is to consider the options available and decide on an option to allow final design to proceed for the Brentwood Boulevard Resurfacing Project and meet the project schedule to maintain federal funding.

Dale Houdeshell, Public Works, introduced Matt Malick, Public Works, Jason Dohrmann, HRGreen; and Paul Wojciechowski, Alta Planning & Design.

Matt Malick provided the Board with a PowerPoint presentation (attached) of the Brentwood Boulevard design project.

Paul Wojciechowski provided an overview on his view of creating a bike path plan; he referred to some options, although some of the best options would be very expensive. He said that the best and probably the only facility for the bike lane would be on the east side.

Mayor Sanger noted that the City needs to make a decision soon due to a federal grant of \$513,000 plus the City's contribution of \$513,000 and can run the risk of losing the federal grant.

Alderman Lintz shared his recent experience of walking his dog along the Brentwood Boulevard (sidewalk) across from the Police Station all the way to Francis Place. The traffic was fairly light in the 9:00-10:00 a.m. hour, but it was still noisy and gave the Metro bus clear runway to keep its schedule, "racing" right along the curb next to the sidewalk. Turning onto Francis Place they had a pleasant stroll back up through the tunnel and along the service road in Shaw Park ending right back to his car. If he wanted to ride his bike to the Galleria, he knows what route to take. He added that he would not want to ride on Brentwood Boulevard during rush hour and believes it is a dangerous road for bicyclists.

Mayor Sanger expressed concern of not exploring all of the possible options and asked what the goal is for the bike routes.

Matt Malick explained that from his understanding the goal is to provide a route up Brentwood from the south and a connection to the Great Rivers Greenway; to the south on Brentwood, to the Galleria, and/or along Clayton Road. Suggestion has been made to talk with neighboring communities to develop some type of grant in order to look at a larger area to come up with a plan.

Matt Malick said that there is still a small section of "rail" south of Shaw Park that ties back towards Enterprise.

An option to route bike paths through residential areas was discussed. Examples of how other communities have established bike paths were also discussed. Alderman Boulton mentioned that there needs to be additional wayfinding signage for directions.

Concerns were raised with regard to having a safe traveling path for children, high-schoolers, and older residents – all citizens.

Alderman Berkowitz pointed out that several pages of the Clayton Downtown Master Plan referencing, bike paths to be created specifically on Brentwood Boulevard.

Michael Freund, resident, 200 S. Brentwood, read a statement on behalf of Dan Phillips, resident at 200 S. Brentwood. Mr. Phillips expressed concerns with the height of the proposed medians, the costs, and the additional traffic that will incur if a lane(s) is removed.

Austin Montgomery, Barclay House resident, addressed the Board requesting that pedestrian paths on one side and bike paths on the other which he feels would be a simpler plan.

In response to Alderman Lintz' question, Paul Wojciechowski stated that shared use path's should be 12 feet wide, but a constrained lane could be 8 feet wide.

Cindy Mense, 6306 Southwood, resident, addressed the Board with concerns of safety for children crossing Brentwood to get to the high school. She is in favor of creating a safe bike path and would like the Board to address pedestrian concerns. She referenced that Clayton has national recognition of *Complete Streets* and to improve Brentwood Boulevard would be great to continue that recognition.

Mary Lutz, 250 S. Brentwood, resident, addressed the Board with concerns of the proposed medians in regard to exiting the building's garage.

Alderman Boulton clarified that the curb work that is being done is for ADA.

Steve Singer, Davis Place resident, addressed the Board expressing his concerns with regard to a "static analysis." He said that Clayton is changing with all of the new developments (e.g. apartments) and trying to attract younger people. He laughs when he hears that we can't make bike lanes in the streets and he referenced New York City traffic (100 times more than Clayton during rush hour) and how they have protected bike lanes. He said other cities are making their cities bike-able and asked if we could change the dynamic of how people are moving around Clayton.

Jeff Leonard, Davis Place resident, addressed the Board stating that he agrees with the previous speaker about changing the dynamics of Clayton. He said that he would give up his exit out of Davis Place and use a different route if a bike lane was installed on Brentwood.

Sally Lilly, 230 S. Brentwood (Barclay House) addressed the Board with concerns of the public safety equipment for easy access to the buildings on the east side, which could be a life or death situation.

Matt Malick confirmed that the current plan revisions allow all of the existing entries on the east side will still have access.

Bill Chamberlain, Wydown Forest resident, addressed the Board expressing his concerns as an avid bicyclist and the current routes that he takes can be extremely difficult to navigate. He referenced Kirkwood who does a good job with bike routes through residential areas. He referenced a great job down on Wydown Boulevard.

Mayor Sanger referenced Dickson Beal's suggested map of bike routes and asked City Clerk Frazier to send out a copy to the Board. Alderman Berkowitz commented that those suggested routes were not the safest.

Suggestion was made to explore the bike path system that Washington University created. That system is separated by granite pavers and is accessible to be used by bicyclists and walkers.

Alderman Garnholz stated that she agreed with Mr. Leonard and said let's be courageous and install a protected bike lane, drivers/traffic will find a way to deal with it.

Alderman Winings stated that he agrees with the vision/goal, but he is not there yet in terms of believing that it is feasible. He agrees that the Board should take some time to consider other options and asked if the decision is made to do the repaving, but do not decide (tonight) to take away one-lane and make it a protected bike lane will the City still have the option later.

Matt Malick explained what is proposed is a maintenance project to preserve the pavement and part of the project includes striping the roadway and within seven years the roadways would be striped again. The shared lane markings could be removed or painted over. Matt confirmed that the City would still have the option to construct a protected bike lane later.

Alderman Boulton asked if the protected bike lanes were installed now then the drive lanes would be so narrow that we would not get the federal funding.

Dale Houdeshell explained that the option (recommended) is to proceed right now without doing the protected lanes and waiting until after the federal project is completed and the monies are received. Afterwards, it's the City's road and changes can be made then including installing bike lanes (protected, striped, etc).

Alderman Lintz stated that the number one priority for him is the safety for pedestrians and getting across the street. He would like to see the flashing lights in the roadway to get the attention of the drivers. He asked that the City spend the time building the plans and the vision for how to make this a more bike-able community; work with surrounding cities to make it an overall plan.

Alderman Boulton recommends that we do the bike paths which provide a 13 foot wide share path which helps protect the pedestrians. Otherwise, approve the plan option that gives the Board the most flexibility.

Mayor Sanger stated that the option would be that the road gets repaved, get control of the road and put it through a thought process.

Robert Young, Barclay House resident, addressed the Board asking if the grant specifies that the medians are required to be built or could the monies be used to build bike lanes. He also inquired about adjusting the timing of the traffic/pedestrian lights.

Alderman Boulton explained that the City does not want it to be an inconvenience for the residents to enter and exit their buildings. The medians are a safe area for pedestrians to safely cross Brentwood Boulevard. She said that to preserve flexibility south of Forest Park is where she would like to see a shared bike path (on the east side). It would save the flexibility in that location if there were no median installed. She thinks it is very important that there is a small median, safe place in the middle, at Shaw Park Drive which will not impact the east side building residents and a small similar median at Bonhomme. She explained that the issue is not the timing of the lights; it's the width of Brentwood Boulevard and how fast a pedestrian can cross.

Alderman Garnholz asked for clarification if the Board is in consensus to accept the recommended option.

Alderman Boulton added that an immediate future study and implementation is needed if the recommended option is accepted.

Mayor Sanger expressed his concerns regarding drivers exiting Francis Place on to Brentwood.

The Mayor and Board of Aldermen came to a consensus to accept the recommended option;.

Proceed with resurfacing project as programmed (STP application)

- Installs "Bikes May Use Full Lane" signs and expands "Share the Road" bicycle accommodations along route
- Maintains current number of traffic lanes and service/capacity

- Meet program schedule and reduces the risk of impacts to federal funding

Future considerations...

- Alternative bike and pedestrian routes - Coordinate with surrounding communities to evaluate alternative bike and pedestrian routes/access to serve the area and look to develop joint grant applications
- Bike lanes added to roadway in future - Options 3/4 do not move curbs and future restriping (microsurfacing in 2025) could add these facilities

#### APPOINTMENT TO THE PUBLIC ART ADVISORY COMMITTEE (PAAC)

Ward 1 has nominated Dwyer Brown as an alternate representative for the PAAC, term ending June 30, 2020.

**Alderman Garnholz moved to approve the nomination of Dwyer Brown to the PAAC. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

#### Other

Alderman Garnholz reported that she will be a member of the Municipal League of Metro St. Louis committee - City of St. Louis and St. Louis County Intergovernmental Collaboration Study.

Alderman Winings reported that there is a meeting this weekend with the neighborhood citizens regarding the Maryland School property. Alderman Berger and City Manager Owens will also be attending.

Alderman Boulton reported that the Plan Commission/ARB met this week and there will be a new restaurant coming, Garbanzo Mediterranean Fresh at 8143 Maryland Avenue.

Alderman Berger commented that while at the polls today he heard from several citizens who were excited about the plans for the ice rink. After hearing those comments he has several ideas related to public engagement that he would like to discuss in the future.

Alderman Berkowitz reported that the CCF Major Gifts met recently and they are focusing on new ideas for projects.

Mayor Sanger reported that he would be looking at the aldermanic assignments for the Boards and Commissions and asked the Board to let him know what Commission they would like to serve.

**Alderman Berkowitz moved that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Lintz seconded the motion.**

**Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye.**

There being no further regular business the meeting was adjourned at 9:22 p.m.

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Mayor

ATTEST:

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City Clerk



City Manager  
10 N. Bemiston Avenue  
Clayton, MO 63105

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## REQUEST FOR BOARD ACTION

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**TO:** MAYOR SANGER; BOARD OF ALDERMEN

**FROM:** CRAIG S. OWENS, CITY MANAGER  
SUSAN M. ISTENES, AICP, DIRECTOR, PLANNING & DEV. SERVICES

**DATE:** APRIL 25, 2017

**SUBJECT:** PUBLIC HEARING - RESOLUTION TO CONSIDER APPROVING A  
CONDITIONAL USE PERMIT FOR CLEMENTINE'S NAUGHTY & NICE  
CREAMERY LOCATED AT 730 DEMUN AVENUE

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This is a public hearing to consider an application for a Conditional Use Permit submitted by Tamara Keefe, business owner, for the operation of a 1,200 square foot restaurant (ice cream parlor) at the subject location.

The tenant space measures 1,200-square-feet and was formerly occupied by a hair salon. Seating for four customers will be provided indoors. The applicant also plans to apply for an outdoor dining permit to allow 10 seats outdoors in front of the building.

The applicant describes Clementine's Naughty & Nice Creamery as a standard ice cream parlor which will operate similarly to their current location in the City of St. Louis. Because their adult flavored ice creams (boozy ice creams) contain less than one-half of one percent alcohol by volume and because ice cream is not a beverage, these products do not meet the City's definition of "intoxicating liquor" and therefore, a liquor license is not required. The State of Missouri and the County of St. Louis also do not require a liquor license for this business as they define the establishment's products as food.

The parlor plans to be open Sunday through Thursday, 11:00 a.m. to 10:00 p.m., and Friday through Saturday, 11:00 a.m. to 11:00 p.m. Delivery service from the ice cream parlor is not proposed.

Deliveries to the restaurant will be made once a week during winter months and twice a week during summer months. Deliveries will be made in the morning between 9:30 a.m. and 11:00 a.m. to the rear of the building. Trash will be stored in existing dumpsters located in the alley rear of the building. The applicant intends to participate in a recycling program.

Off-street parking is not being provided. Because this establishment is less than 3,000 square feet and located outside of the downtown area, only employee off-street parking is required. The applicant has stated that no more than two employees would be working at any given time and is requesting a parking waiver; noting that public parking is provided on the street.



The Plan Commission, at its March 27, 2017 meeting, considered the request for the Conditional Use Permit and the parking waiver and voted unanimously to recommend approval to the Board of Aldermen.

**STAFF RECOMMENDATION:** To approve a Conditional Use Permit for the operation of Clementine's Naughty & Nice Creamery at 730 DeMun Avenue.

## **RESOLUTION NO. 17-06**

WHEREAS, on March 6, 2017, the City received an application and letter from Tamara Keefe, owner of Clementine's DeMun, LLC, requesting a Conditional Use Permit to allow the operation of a 1,200 square foot ice cream parlor to be known as Clementine's Naughty & Nice Creamery at 730 DeMun Avenue; and

WHEREAS, drive-through facilities are conditionally permitted uses in the C-1 Neighborhood Commercial Zoning District; and

WHEREAS, the City Plan Commission considered this request at its March 27, 2017, meeting and voted to recommend approval to the Board of Aldermen; and

WHEREAS, the Board of Aldermen finds and determines that the applicant has clearly established that the criteria for approval of a Conditional Use Permit set out in Section 405.840 of Clayton's Zoning Regulations are met.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1. Pursuant to the authority of Chapter 405 (Zoning Regulations), Article VII (Conditional Use Permit), of the Code of Ordinances of the City of Clayton, and subject to the terms and conditions set forth in Section 2, below, the approval of a Conditional Use Permit to Clementine's DeMun, LLC, d/b/a Clementine's Naughty & Nice Creamery to allow the operation of an ice cream parlor at 730 DeMun Avenue is hereby granted. Said property is more particularly described as follows:

LOT PART 43, NW PART  
OF THE DEMUN PARK SUBDIVISION,  
IN THE CITY OF CLAYTON, MISSOURI

Section 2. In addition to compliance with all Ordinances of the City of Clayton and Laws of the State of Missouri, the permitted uses shall be conducted so as to comply with the following stipulations and conditions at all times:

- (1) The permit shall be granted to Clementine's DeMun, LLC, (the "Permittee"), and shall not be transferred or assigned without the prior written approval of the City of Clayton.
- (2) The property shall be improved, maintained and operated substantially in accordance with an application and a letter dated March 6, 2017, and with the plans and specifications as filed with and approved by the City of Clayton.
- (3) Permitted hours of operation are 11:00 a.m. to 10:00 p.m. Sunday through Thursday, and 11:00 a.m. to 11:00 p.m. Friday and Saturday.
- (4) The City is waiving the requirement for two off-street parking spaces. Any enlargement of the space or increase in number of employees at the establishment at any given time will result in a re-evaluation of the waiver and the possible requirement for off-street parking.
- (5) All work shall conform to the plans submitted to and approved by the City of Clayton.

(6) Any future exterior alterations/renovations must be approved by the City prior to such change. Any exterior signage shall conform to the City's Sign Ordinance and be approved by the City prior to installation.

(7) Outdoor seating shall only be allowed with the issuance of an Outdoor Dining Permit as issued by the City's Planning Department.

(8) No outdoor music shall be permitted.

(9) That the Permittee shall, within thirty (30) days of the adoption of the Resolution, notify the City Clerk of the City of Clayton in writing that the conditional use permit provided for is accepted and that the conditions set forth herein are understood and will be complied with.

(10) That Permittee's failure to comply with any of the conditions provided for in the Resolution may cause immediate termination of the permit.

Section 3. The City Manager of the City of Clayton is hereby authorized and directed to issue a conditional use permit in accordance with the provisions of this Resolution. Said permit shall contain all of the conditions and stipulations set out in Section 2 of this Resolution.

Adopted this 25<sup>th</sup> day of April, 2017

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



City of Clayton  
10 North Bemiston Avenue  
Clayton, Missouri 63105  
(314) 290-8453 FAX: (314) 863-0296

**CONDITIONAL USE PERMIT  
APPLICATION-RESTAURANTS**

RECEIVED

MAR -6 2017 \$235

(please type or print)

**ALL SECTIONS OF APPLICATION MUST BE COMPLETE  
APPLICATIONS MUST BE CONSISTENT WITH SUBMITTED MATERIALS  
ALL SUBMITTED MATERIALS MUST BE SIGNED/SEALED FOR REVIEW  
\$235.00 APPLICATION FEE MUST ACCOMPANY THIS APPLICATION  
(INCLUDES \$35 NON-REFUNDABLE PROCESSING FEE)**

Location of Project: 730 Demun

Project Description: Ice Cream Parlor d/b/a Clementines

**PART A: PARTIES OF INTEREST**

The full legal name of restaurant owner (partnership, incorporation, etc.), applicant, agent, architect, landscape architect, planner, engineer and/or manager is required for review of this application.

Legal Name to which this Permit is to be issued: Clementines Demun, LLC

Contact Person's Name: Tamara KEEFE

Address: 1413 Dolman St, St Louis, MO 63104

Phone Number & E-Mail Address: 949-433 7848 tamara@clementinescreamery.com

Interest in Property (Tenant/Owner): Tenant

Name of Property Owner(s) - if different from above: Carrie & Phillip Green, M.G. Limited, LLC

Address: 726 Demun, Clayton, MO

Phone Number & E-Mail Address: 314-494-2347 demuncleaners@SBCglobal.net

Name of Architect/Engineer (Please Specify) UTC

Address: 1607 Tower Grove Ave, St Louis, MO 63110

Phone Number & E-Mail Address: 314-240-3432 pmcclellan@uicstl.co

List Managing Officers or persons who will be in active control and supervision of business:

Name/Position: Tamara Keefe, Owner

Name/Position: \_\_\_\_\_

Name/Position: \_\_\_\_\_

## PART B: SITE DESCRIPTION

Legal Address of Property: 730 DeMun Ave

Lot Number: P443 Block Number: NWPT Locator Number: 19J320822

Subdivision DeMun Park Current Zoning: C1

Current Use of Site: Hair Salon

Proposed Use of Site: Ice Cream Parlor

Estimated Cost of Construction : 5,000 No. of Stories : 1

## PART C: INTENDED USE-RESTAURANT

Briefly describe the type and character of the operation: Standard ice cream parlor

Days and Hours of Operation: Sun-Thurs 11-10pm, Fri, Sat, Holidays 11-11

Will a liquor license be requested? Yes \_\_\_\_\_ No X If yes, which type: \_\_\_\_\_

Square Footage of Proposed Use: 870<sup>sq ft</sup> 1650 Front of House Number of seats: 400

Number of Parking Spaces: Employees: Street Patrons Street Valet Parking? Yes \_\_\_\_\_ No ✓

Location of Parking Facilities: Street

Applicant must demonstrate that it can comply with the parking requirements of Clayton's Zoning Code. Accordingly, the applicant must either i) submit an executed parking agreement with the owner or other private off-street parking provider for the exclusive use of the above denoted parking spaces; or ii) must otherwise demonstrate exclusive use of sufficient parking spaces.

Describe when and how deliveries will be made to the operation: Deliveries will be made 1 X week in the winter, and 2 X week in summer, in the morning between 9:30-11am.  
If restaurant is to offer deliveries, please describe your ability to comply with the attached City of Clayton Delivery Policy: \_\_\_\_\_

Briefly describe the manner in which the disposal of refuse for the operation will occur: Our building has dumpsters currently.

Does the restaurant intend to participate in a recycling program? Yes ☒ No ☐

Review by the Clayton Architectural Review Board is required for any exterior renovation, awning or signage. If any of these items are part of the project, complete an Architectural Review Board Application, which can be obtained from the Housing & Planning Dept.

#### PART D: OUTDOOR DINING/SEATING

Please provide a copy of survey showing building line, property line, right-of-way line, proposed seating plan and landscaping.

Is this an outdoor dining service area or seating for self-service? Briefly explain the operation.

Self-service seating w/ small patio seating out front.

Is the food service and menu the same as the indoor facilities? Please explain: Yes

Square footage of the Area: 160 Number of Seats: ~~10~~ 10

Please explain how patrons will access the outdoor dining/seating facilities from the restaurant: The front door

Description of Furniture:

Outdoor Furniture

Description and proposed location of Pedestrian Barrier:

Wrought iron Fence

Description of Landscaping:

N/A

Description of Lighting:

3 gooseneck lamp for front facade

Hours of Operation:

Sun-Thurs 11-10pm, Fri, Sat, Holidays 11-11

Additional parking: Employee Spaces

Street

Patron Spaces

Street

Will there be public right-of-way encroachment? Yes

No

Number of Feet

*The following must accompany this application: 1) Documentation of insurance for the encroachment (if applicable), naming the City of Clayton as an additional insured, in amounts required by the Clayton Code, Section 22-24(1)(g), 2) Outdoor Dining/Seating Agreement (attached), and 3) An Architectural Review Board Application (available in the Housing & Planning Department).*

#### **PART E: AMENDMENT TO AN EXISTING RESTAURANT CONDITIONAL USE PERMIT**

Please describe the proposed amendment:

Please describe why the proposed amendment is necessary:

#### **PART F: TRANSFER OF AN EXISTING RESTAURANT CONDITIONAL USE PERMIT**

The full legal name of the restaurant operation currently approved, as set forth on the existing conditional use permit:

The full legal name (owner, partnership, corporation, etc.) and complete address of the entity to which the C.U.P will be transferred:

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Please describe any changes to the operation: \_\_\_\_\_

Please describe any changes to the menu: \_\_\_\_\_

Please describe any changes to the hours of operation, seating and decor: \_\_\_\_\_

#### SIGNATURES

Signature of Applicant (Required): John Kleepe Date: 3/2/17

Title: President

Signature of Property Owner (Required): Carol Adair Date: 3/5/17

Title: Partner





Honorable Mayor  
Members of the Board of Alderman

Dear Sirs and Madams,

This letter is my request for a conditional use permit. The proposed use for 730 Demun will be an ice cream parlor. The use will be exactly the same as we have in our current location at 1637 S. 28<sup>th</sup> St, St Louis, MO 63104. Our hours of operation will be 11-10 Sunday through Thursday and 11-11 Friday, Saturday and some holidays. The square footage is approximately 1200 sq feet.

We also request for a waiver for off street parking requirements. At most there would only be 2 employees on site working at any time.

I thank you in advance for your time.

Sincerely,  
Tamara Keefe

RECEIVED  
MAR 6 2017  
CITY OF CLAYTON  
PLANNING & DEVELOPMENT



1637 SOUTH EIGHTEENTH STREET • SAINT LOUIS, MO 63104  
314.858.6100 • CLEMENTINESCREAMERY.CO.



City Manager  
10 N. Bemiston Avenue  
Clayton, MO 63105

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## REQUEST FOR BOARD ACTION

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**TO:** MAYOR SANGER; BOARD OF ALDERMEN

**FROM:** CRAIG S. OWENS, CITY MANAGER  
SUSAN M. ISTENES, AICP, DIRECTOR, PLANNING & DEV. SERVICES

**DATE:** APRIL 25, 2017

**SUBJECT:** PUBLIC HEARING - RESOLUTION TO CONSIDER APPROVING  
CONDITIONAL USE PERMIT FOR TRU FUSION (HEALTH  
CLUB/FITNESS STUDIO) LOCATED AT 7447 FORSYTH BOULEVARD

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This is a public hearing to consider an application for a Conditional Use Permit submitted by Joe Goldberg, business owner, for the operation of a 17,015 square foot health club/fitness center to be known as Tru Fusion at the subject location (previously occupied by Selkirk's). The property has a zoning designation of C-2 General Commercial. Fitness studios/health clubs are conditionally permitted uses in the C-2 zoning district.

The subject multi-tenant building (old Famous Barr building) owned by Washington University, measures 272,118-square-feet. Current tenants include the Wine and Cheese Place, the St. Louis Artists' Guild and Washington University offices.

Tru Fusion is a group fitness and wellness center with an accessory use of a health bar/restaurant. Proposed hours of operation are 5:00 a.m. to 9:00 p.m. Monday through Friday, and 7:00 a.m. to 6:00 p.m. on Saturday and Sunday. The business will consist of five fitness and yoga classrooms (hot yoga, Ashtanga yoga, Barre/Pilates, boot-camp/boxing and spinning), a private training room, locker rooms, a child care room, massage rooms and a small retail section. Additionally, a counter service health bar/restaurant (approximately 950 square feet) with seating for 35-40 patrons will provide food to facility members.

Shared parking for the building is provided by a surface parking lot and a parking garage. 68 parking spaces for use by this business are outlined in the applicant's lease agreement.

Exterior renovations are not being considered at this time. Outdoor seating/dining will be reviewed for compliance by staff if and when an application for an Outdoor Dining Permit is submitted.

The Plan Commission, at its April 3, 2017 meeting, considered the request for the Conditional Use Permit and voted unanimously to recommend approval to the Board of Aldermen.

**STAFF RECOMMENDATION:** To approve a Conditional Use Permit for the operation of Tru Fusion at 7447 Forsyth Boulevard.

## **RESOLUTION NO. - 17-07**

WHEREAS, on March 20, 2017, the City received an application and letter from Joe Goldberg, owner/general manager of Tru StL, LLC, requesting a Conditional Use Permit to allow the operation of a 17,015 square foot health club/fitness center to be known as Tru Fusion at 7447 Forsyth Boulevard; and

WHEREAS, health clubs/fitness centers are conditionally permitted uses in the C-2 General Commercial Zoning District; and

WHEREAS, the City Plan Commission considered this request at its April 3, 2017, meeting and voted to recommend approval to the Board of Aldermen; and

WHEREAS, the Board of Aldermen finds and determines that the applicant has clearly established that the criteria for approval of a Conditional Use Permit set out in Section 405.840 of Clayton's Zoning Regulations are met.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF CLAYTON, MISSOURI, AS FOLLOWS:

Section 1. Pursuant to the authority of Chapter 405 (Zoning Regulations), Article VII (Conditional Use Permit), of the Code of Ordinances of the City of Clayton, and subject to the terms and conditions set forth in Section 2, below, the approval of a Conditional Use Permit to Tru StL, LLC, d/b/a Tru Fusion, to allow the operation of an approximately 17,015 square-foot health club/fitness center at 7447 Forsyth Boulevard is hereby granted. Said property is more particularly described as follows:

LOC E OF JACKSON AVE (IMP ONLY LEASED TO BEN J SELKIRK & SON S  
INC)  
IN THE CITY OF CLAYTON, MISSOURI

Section 2. In addition to compliance with all Ordinances of the City of Clayton and Laws of the State of Missouri, the permitted uses shall be conducted so as to comply with the following stipulations and conditions at all times:

- (1) The permit shall be granted to Tru StL, LLC, (the "Permittee"), and shall not be transferred or assigned without the prior written approval of the City of Clayton.
- (2) The property shall be improved, maintained and operated substantially in accordance with an application and a letter dated March 20, 2017, and with the plans and specifications as filed with and approved by the City of Clayton.
- (3) Permitted hours of operation are 5:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 6:00 p.m. Saturday and Sunday.
- (4) The Permittee shall provide and maintain throughout occupancy a minimum of fifty-one parking spaces in the parking lot and/or parking garage located on the subject property.
- (5) All work shall conform to the plans submitted to and approved by the City of Clayton.

(6) Any future exterior alterations/renovations must be approved by the City prior to such change. Any exterior signage shall conform to the City's Sign Ordinance and be approved by the City prior to installation.

(7) Outdoor seating shall only be allowed with the issuance of an Outdoor Dining Permit as issued by the City's Planning Department.

(8) No outdoor music shall be permitted.

(9) That the Permittee shall, within thirty (30) days of the adoption of the Resolution, notify the City Clerk of the City of Clayton in writing that the conditional use permit provided for is accepted and that the conditions set forth herein are understood and will be complied with.

(10) That Permittee's failure to comply with any of the conditions provided for in the Resolution may cause immediate termination of the permit.

Section 3. The City Manager of the City of Clayton is hereby authorized and directed to issue a conditional use permit in accordance with the provisions of this Resolution. Said permit shall contain all of the conditions and stipulations set out in Section 2 of this Resolution.

Adopted this 25<sup>th</sup> day of April, 2017

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



City of Clayton  
10 North Bemiston Avenue  
Clayton, Missouri 63105  
(314) 290-8453 FAX: (314) 863-0296

## CONDITIONAL USE PERMIT APPLICATION-GENERAL

*(please type or print)*

ALL SECTIONS OF APPLICATION MUST BE COMPLETE.  
APPLICATIONS MUST BE CONSISTENT WITH SUBMITTED MATERIALS.  
ALL MATERIALS SUBMITTED MUST BE SIGNED/SEALED FOR REVIEW  
**\$235.00\* APPLICATION FEE MUST ACCOMPANY THIS APPLICATION**

Location of Project: 7447 Forsyth Blvd.

Project Description: Fitness Health Club

### PART A: PARTIES OF INTEREST

The full legal name of property owner (partnership, incorporation, etc.), applicant, agent, architect, landscape architect, planner, engineer and/or manager is required for review of this application.

Legal Name to which this Permit is to be issued: Tru StL LLC

Contact Person's Name: Joe Goldberg

Address: 7447 Forsyth Blvd.

Phone Number & E-Mail Address: 314-440-9772 jgtrufusion@gmail.com

Interest in Property (Tenant/Owner): Tenant

Name of Property Owner(s) - if different from above: Washington University

Address: One Brookings Drive, St. Louis, MO 63130

Phone Number: \_\_\_\_\_

Name of Architect, Landscape Architect, Planner or Engineer:

Name/Position: Michael T. Fries - President FM Group

PAID

RECEIVED

MAR 20 2017

CITY OF CLAYTON  
PLANNING & DEVELOPMENT

Address: 15974 N. 77th St., Suite 100

Phone Number & E-Mail Address: 602-277-7877

Name/Position: \_\_\_\_\_

## PART B: SITE DESCRIPTION

Subdivision Hanleys Resub Current Zoning: C-2

Current Use of Site: Retail and Office

## PART C: SITE DEVELOPMENT

Proposed Use of Site: Fitness classes, personal training, nutritional wellness

Estimated Cost of Construction : \$1.7 million No. of Stories : 1

Total Square Footage of Site: 17,015 sq ft

Total Square Footage of Building(s): 272,118 sq ft

Ratio of Total Square Footage of Building(s) to Total Square Footage of Site: 6.25%

Building(s) Height(s): \_\_\_\_\_ Number of Floors: 4 floors on the main building 6 floors of parking

Total Number of Available Parking Spaces: 1,333 spaces available

Number of Parking Spaces as Required by the Zoning Ordinance: 51

\*Proof that the Supplied Parking Will Meet the Demands of the Project: \_\_\_\_\_

Describe the Reason for Requesting a Conditional Use Permit: To open a new wellness facility in the space

Permitted use per zoning - C.U.P. needed per code

Briefly describe the disposal of refuse for operation: The building has a large recycling compactor

And two 4 yard dumpster

*\*Parking Study prepared by an impartial parking engineer must be submitted as part of the application if supplied parking is less than number required by the Zoning Ordinance.*

Architectural review is required for any exterior renovation, awning or signage. If any of these items are part of the project, complete an Architectural Review Board Application.

#### PART D: AMENDING AN EXISTING CONDITIONAL USE PERMIT

Please describe the proposed amendment: N/A

Please describe why the proposed amendment is necessary: \_\_\_\_\_

#### PART E: TRANSFERING AN EXISTING CONDITIONAL USE PERMIT

The full legal name of the individual or entity to which the existing conditional use permit is issued:

N/A

The full legal name of the individual or entity to which the conditional use permit is to be transferred:

Please describe any changes to the operation: \_\_\_\_\_

Please describe any changes to the hours of operation and decor: \_\_\_\_\_

#### SIGNATURES

Signature of Applicant (Required): Joe Goldberg Date: 3/17/17

Relation to the Property Owner: Tenant

Signature of Property Owner (Required): Washington University  
By: Connie Krause Date: 3/17/2017  
Director of Real Estate

\*includes \$35.00 non-refundable processing fee. Application fee for a transfer of/amendment to an existing CUP is \$100 IF Plan Commission and/or Board of Aldermen consideration is not necessary.

FIND YOUR EDGE

# TRUFUSION

BARRE • CYCLE • PILATES • YOGA • KETTLEBELL • BOXING • BOOTCAMP

March 17, 2017

Honorable Mayor Sanger and Members of the Board of Aldermen  
City of Clayton  
10 North Bemiston Avenue  
Clayton, MO 63105

RECEIVED

MAR 20 2017

CITY OF CLAYTON  
PLANNING & DEVELOPMENT

RE: Conditional Use Permit for 7447 Forsyth Blvd.

Honorable Mayor Sanger and Members of the Board of Aldermen, this letter is on behalf of TRU STL, LLC the franchise operator of the TruFusion, Clayton with our attached application for a conditional use permit for the property at 7447 Forsyth Blvd for a TruFusion franchise location. TruFusion is a group fitness and Wellness center franchise. The 17,015 sq ft space will include 5 different sizable fitness and yoga classrooms (including Hot Yoga, Ashtanga Yoga, Barre/Pilates, Bootcamp/boxing and Spinning rooms), full men and women locker rooms, a child care room, two massage rooms, a retail section, a private/small group training room, a private Pilates reformer training room, and a counter service Health Bar/Restaurant (roughly 950 sq ft of the 17k) with seating for roughly 35-40 people (in partnership with Simon Lusky and Revel Kitchen). Our goal is to offer an affordable membership to between of 2500-3500 members with a destination for both physical and mental wellness as well as social connectivity amongst members.

We have included 22 sets of our current plans that include a detailed schedule and layout of the kitchen as well as labeling for the purpose of each room. The room designated as the SPX room is a bootcamp fitness room.

Our intention would be to have hours from 5 AM – 9 PM Monday through Friday and 7 AM – 6 PM Saturday and Sundays. Initially we will have hours 6 AM – 8 PM until the demand for the earlier and later hours has been built.

We respectfully request your consideration of our application and are happy to address any questions you may have.

Respectfully,



Joe Goldberg, Owner/General Manager

7431 Washington Ave, St. Louis, MO 63130







10 N. Bemiston Avenue  
Clayton, MO 63105

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## REQUEST FOR BOARD ACTION

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**TO:** MAYOR SANGER; BOARD OF ALDERMEN  
**FROM:** CRAIG S. OWENS, CITY MANAGER  
JANET K. WATSON, DIRECTOR OF FINANCE & ADMINISTRATION  
**DATE:** APRIL 25, 2017  
**SUBJECT:** MOTION TO ACCEPT THE CITY'S FISCAL YEAR 2016 COMPREHENSIVE  
ANNUAL FINANCIAL REPORT

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Ted Williamson, a partner at the City's audit firm of RubinBrown LLC, will present summary audit information at the Board meeting regarding the September 30, 2016 Comprehensive Annual Financial Report (CAFR) and other auditor communications. These documents are included in your packet and are also available for public viewing on the City's website under the Finance Department page.

Mr. Williamson and City staff will be glad to answer any questions you have regarding the report and other related audit information.

**RECOMMENDATION:** To approve a motion to accept the City's September 30, 2016 Comprehensive Annual Financial Report.



City Manager  
10 N. Bemiston Avenue  
Clayton, MO 63105

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## REQUEST FOR BOARD ACTION

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**TO:** MAYOR SANGER; BOARD OF ALDERMEN

**FROM:** CRAIG S. OWENS, CITY MANAGER (CSO)  
JUNE FRAZIER, CITY CLERK (JF)

**DATE:** APRIL 25, 2017

**SUBJECT:** MOTION – CERTIFICATION OF APRIL 4, 2017, MUNICIPAL ELECTION

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On April 4, 2017, a municipal election was held for the offices of Aldermen in Wards 1, 2, and 3. The results of the municipal election as certified by the Board of Election Commissioners of St. Louis County are as follows:

Ward I	Richard Lintz	248 votes (96.12%)
	Invalid write-in	10 votes ( 3.88%)
Ward II	Michelle Harris	438 votes (95.63%)
	Invalid write-in	20 votes ( 4.37%)
Ward III	Mark Winings	615 votes (71.51%)
	Justin Perryman	243 votes (28.26%)
	Invalid write-in	2 votes ( .10%)

**Recommendation:** To adopt a motion to accept the canvassed and certified results of the April 4, 2017 municipal election.

## CITY OF CLAYTON

RUN DATE:04/17/17 09:58 AM

GENERAL MUNICIPAL ELECTION  
ST. LOUIS COUNTY, MISSOURI  
TUESDAY, APRIL 4, 2017

## OFFICIAL FINAL RESULTS

01 = REGISTERED VOTERS - TOTAL  
02 = BALLOTS CAST - TOTALTOTAL PERCENT  
10,053  
1,769WITH 11 OF 11 PRECINCTS REPORTING  
03 = VOTER TURNOUT - TOTALTOTAL PERCENT  
17.60

	01	02	03
0502 CIA2	512	78	15.23
0503 CIA3,11	2071	538	25.98
0504 CIA4	550	125	22.73
0508 CIA8,44	989	243	24.57
0529 CIA29	70	10	14.29
0552 CIA52	232	42	18.10
1001 HAD1	2326	363	15.61
1004 HAD4	939	8	.85
1005 HAD5	483	53	10.97
1014 HAD14	814	149	18.30
1015 HAD15	1067	160	15.00

## ALDERPERSON CLAYTON WARD 1

(Vote for ) 1  
01 = RICHARD LINTZ  
02 = INVALID WRITE-INVOTES PERCENT  
248 96.12  
10 3.88

WITH 3 OF 3 REPORTING

	01	02
1004 HAD4	6	0
1014 HAD14	120	5
1015 HAD15	122	5

## ALDERPERSON CLAYTON WARD 2

(Vote for ) 1  
01 = MICHELLE HARRIS  
02 = INVALID WRITE-INVOTES PERCENT  
438 95.63  
20 4.37

WITH 4 OF 4 REPORTING

	01	02
0502 CIA2	66	2
0552 CIA52	37	2
1001 HAD1	293	12
1005 HAD5	42	4

## ALDERPERSON CLAYTON WARD 3

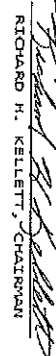
(Vote for ) 1  
01 = MARK WININGS  
02 = JUSTIN PERRYMANVOTES PERCENT  
615 71.51  
243 28.26

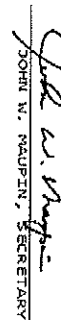
WITH 4 OF 4 REPORTING

	01	02	03
0503 CIA3,11	350	153	0
0504 CIA4	80	30	2
0508 CIA8,44	182	54	0
0529 CIA29	3	6	0

VOTES PERCENT  
2 .23

WE, THE BOARD OF ELECTION COMMISSIONERS OF ST. LOUIS COUNTY, MISSOURI, ACTING AS THE VERIFICATION BOARD PURSUANT TO SECTION 115.507, RSMO, HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT ABSTRACT OF VOTES CAST FOR THE CANDIDATES AND ISSUES AT THE MUNICIPAL GENERAL ELECTION HELD IN ST. LOUIS COUNTY, MISSOURI, ON APRIL 4, 2017. IN TESTIMONY WHEREOF, WE HAVE HEREUNTO SET OUR HAND AT OUR OFFICE IN MAPLEWOOD, ST. LOUIS COUNTY, MISSOURI, ON APRIL 17, 2017.

  
RICHARD H. KELLETT, CHAIRMAN

  
JOHN W. MAUPIN, SECRETARY

  
TRUDI MCCOLLUM FOUSHEE, COMMISSIONER





City Manager  
10 N. Bemiston Avenue  
Clayton, MO 63105

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## REQUEST FOR BOARD ACTION

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**TO:** MAYOR SANGER; BOARD OF ALDERMEN  
**FROM:** CRAIG S. OWENS, CITY MANAGER  
JUNE FRAZIER, CITY CLERK  
**DATE:** APRIL 25, 2017  
**SUBJECT:** MOTION TO ELECT MAYOR PRO TEMPORE

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Per the City of Clayton Charter, Article II, Section 2, the Board of Aldermen shall elect from among the aldermen a mayor pro-tempore, who shall act as mayor in the absence of the mayor.

Recommendation is to elect a Mayor Pro Tempore.